

REMARKS

Pending Claims

Claims 1-10,12 are present in the case and undergoing examination. Claims 14-17 are withdrawn without prejudice pursuant to a restriction requirement.

Drawing

The Examiner objects to the figure added with the last amendment as adding new matter. Kindly reconsider the objection. As set forth in the last response the figure adds nothing not already described in words in the text. The Examiners argument that the figure enlarges the scope of possible claims is not well founded. The scope of claim 4 is consistent with the text as originally filed and it is merely illustrated by new Fig. 7b. Kindly enter the figure at least for the purpose of appeal.

Section 112 Claim Rejections

Various amendments to the claims have been made to clarify the scope of the claims and address the specific objections raised by the Examiner. In general the "front cylinder" is in fact has a cylindrical surface in terms of shape. However the Examiner correctly notes that it is terminated in a conical or other geometric shape. This aspect of claim language is clarified by amendment. With respect to the overall direction of the claims, this case is directed to the inventive combinations of electrode geometry and variations in characteristics of the center "core" structures. Taken together this combination provides a particularly useful coagulation probe. More specifically claim 1 has been amended to restrict the carrier to a tubular metallic structure. Claim 12 has been rewritten in independent form because the carrier material in that embodiment the carrier is an optical fiber.

Section 102 Rejections

The amended broadest claim now requires that the overall profile of the instrument be approximately uniform. The Petruzzi '331 device has a bulge where its operating surfaces are disposed. The broadest claim also requires that the carrier be "rectilinear" as seen in all of the figures. By way of contrast the Petruzzi and Fleischman '379 devices are "steerable" and are shaped in use to conform to the

contour of the tissue being treated. Petruzzi is shaped to the throat while Fleischman conforms to the heart tissue wall contour. Neither reference is rectilinear in use.

Section 103 Rejections

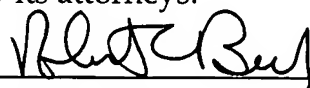
The teaching in Petruzzi related to "rigidity" is intended to point out that the working section of the device must be able to be pushed into the throat, Please note that the shaft itself is flexible to curve along the throat. In Fleischman the electrode section is quite supple to conform to the heart wall. There is no suggestion that one may take split electrodes place them along the length of surgical instrument and use them to treat in a rectilinear fashion the tissue that is pierced and traversed by the claimed invention. The elements of the combination are not found in the references.

CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

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Respectfully submitted,
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